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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,383	06/01/2001	Hendrikus Kerkdijk	01304/LH	4727
1933	7590	02/20/2004	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/857,383		Applicant(s) <span style="float: right;">SW</span> KERKDIJK, HENDRIKUS	
	Examiner Jalatee Worjloh		Art Unit 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 01 June 2001.

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-8 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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**DETAILED ACTION**

1. Claims 1-8 have been examined.

***Claim Objections***

2. Claim 8 is objected to because of the following informalities: typographically error; change "the the customer" to "the customer" (see pg. 10, line 10). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Publication No. 2003/0070080 to Rosen.

Rosen discloses a multimedia network with customer stations, merchant servers, and a payment server connected to it, secure electronic transactions being performed using a secure electronic transactions protocol, comprising the exchange of digital certificates, uniquely identifying the relevant transaction participants and also attesting their privileges at the merchant server, said certificates being managed by a Trusted Third Party server (i.e. "certificate

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authority”) being connected to said multimedia network (see paragraph [0125]), said payment servers (i.e. “security server”) being enabled to validate the digital certificates presented and to process authorization concerning the payment (see paragraph [0486]), said customer stations comprising transactions management means, fit for performing said secure electronic transactions protocol and for managing said certificates for the customer station, characterized in a remote customer agent, managed by agent parameters received or to be received from said customer station and thus, under the control of said parameters, assisting or representing the customer station in a negotiation process, including selecting products to be presented by the merchant server, and payment for selected products in a secure way, under control of said secure electronic transactions protocol and said certificates, being managed by said transactions management means (see paragraphs [0630]- [0633]).

Referring to claim 3, Rosen discloses a remote merchant agent managed by agent parameters received or to be received from said merchant station, and thus, under the control of said parameters, assisting or representing the merchant station in a negotiation process, including presenting products to the customer agent or the customer station and to have paid for products being selected by the customer agent or the customer station in a secure way, under control of said secure electronic transactions protocol and said certificates (see paragraphs [0125] and [0633]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen as applied to claim 1 above, and further in view of US Patent No. 6185546 to Davis.

Rosen discloses a customer station (see claim 1 above). Rosen does not expressly disclose said customer station comprises an agent interface fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means or said negotiation and payment process by said customer agent and said merchant is performed within an agent negotiation server, connected to said multimedia network. Davis discloses a customer station comprises an agent interface fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means and said negotiation and payment process by said customer agent and said merchant is performed within an agent negotiation server, connected to said multimedia network (see col. 3, lines 65-67). Notice, Davis' agent interface permits transmission of information to other devices; therefore, the examiner notes that the information transmitted may include code, parameters and certificates. Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Rosen to include a customer station comprising an agent interface fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means and said negotiation and payment process by said customer agent and said merchant is performed within an agent negotiation server, connected to said multimedia network. One of ordinary skill in the art would have been motivated to do this because it provides a secure means for data transmission.

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7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen as applied to claim 1 above, and further in view of US Patent NO. 5987440 to O'Neil et al.

Rosen discloses a secure electronic transaction protocol (see claim 1 above). Rosen does not expressly disclose that within said secure electronic transaction protocol, for authentication and authorization said customer agent transmits a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form suing a random key, being generated at the customer station for each new payment process. O'Neil et al. disclose within said secure electronic transaction protocol, for authentication and authorization said customer agent transmits a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form suing a random key, being generated at the customer station for each new payment process (see col. 16, lines 21-35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Rosen to include within said secure electronic transaction protocol, for authentication and authorization said customer agent transmits a token is encapsulated, comprising an authorization code for opening up said transactions management means; wherein said token is stored within the customer agent in an encrypted form suing a random key, being generated at the customer station for each new payment process. One of ordinary skill in the art would have been motivated to do this because it provides an Internet utility or tool for the security and exchange of information (see O'Neil et al., col. 1, lines 50-67).

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8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen and O'Neil et al. as applied to claim 5 above, and further in view of US Patent No. 2002/0026575 to Wheeler et al.

Rosen discloses both a customer station and customer agent comprise a specific communications certificate (see claim 5 above). Rosen does not expressly disclose payment start messages being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key relate dot said communication certificate and a time stamp being added to said message in order to prevent replay by malicious parties. Wheeler et al. disclose payment start messages being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key relate dot said communication certificate and a time stamp being added to said message in order to prevent replay by malicious parties (see paragraphs [0115] and [0014]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Rosen to include payment start messages being communicated to said transactions management means in encrypted form, using a random session key which, in turn, is sent over in encrypted form, using the customer station's public key related to said communication certificate, said message being signed with the customer agent's private key relate dot said communication certificate and a time stamp being

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added to said message in order to prevent replay by malicious parties. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen, Davis, in view of US Patent No. 6378075 to Goldstein et al.

Rosen discloses a multimedia network with customer stations, merchant servers, and a payment server connected to it, secure electronic transactions being performed using a secure electronic transactions protocol, comprising the exchange of digital certificates, uniquely identifying the relevant transaction participants and also attesting their privileges at the merchant server, said certificates being managed by a Trusted Third Party server (i.e. "certificate authority") being connected to said multimedia network (see paragraph [0125]), said payment servers (i.e. "security server") being enabled to validate the digital certificates presented and to process authorization concerning the payment (see paragraph [0486]), said customer stations comprising transactions management means, fit for performing said secure electronic transactions protocol and for managing said certificates for the customer station, moreover, comprising a remote customer agent, managed by agent parameters received or to be received from said customer station and thus, under the control of said parameters, assisting or representing the customer station in a negotiation process, including selecting products to be presented by the merchant server, and payment for selected products in a secure way, under control of said secure electronic transactions protocol and said certificates, being managed by said transactions management means, and a remote merchant agent, managed by agent parameters received or to be received from said merchant station and thus, under the control of said parameters, assisting or represent the merchant station in a negotiation process, including



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presenting products to the customer agent or the customer station, and to have paid for products being selected by the customer agent or the customer station, in a secure way, under control of said secure electronic transactions protocol and said certificates (see paragraphs [0630]- [0633]); a standard secure electronic transaction procedure is performed by the transaction management means, the merchant server and the payment gateway; after completion of the payment process the merchant server informs the merchant agent of the at completion of the payment process, and the merchant agent passes this message on tot the customer agent, which notifies the customer station of the payment completion (see paragraphs [0633],[0635] and [0643]). Rosen does not expressly disclose said customer station comprises an agent interface, fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means or said customer agent requests said merchant agent to pay by credit card, and the merchant agent then informs said merchant server of the requested payment, while parallel to that the customer agent initializes said transaction management means. Davis discloses a customer station comprises an agent interface fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means (see col. 3, lines 65-67). Notice, Davis' agent interface permits transmission of information to other devices; therefore, the examiner notes that the information transmitted may include code, parameters and certificates. Goldstein et al. disclose said customer agent requests said merchant agent to pay by credit card, and the merchant agent then informs said merchant server of the requested payment, while parallel to that the customer agent initializes said transaction management means (see col. 5, lines 54-58). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system

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disclose by Rosen to include a customer station comprising an agent interface fit for transmission of codes, parameters and certificates between said customer agent and said transactions management means and said negotiation and payment process by said customer agent and said merchant is performed within an agent negotiation server, connected to said multimedia network. One of ordinary skill in the art would have been motivated to do this because it provides a secure means for data transmission and communications.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Techniques for Authentication Protocols and Key distribution on Wireless ATM Networks" to Patiyoote et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, 703-746-9443 for Non-Official/Draft.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

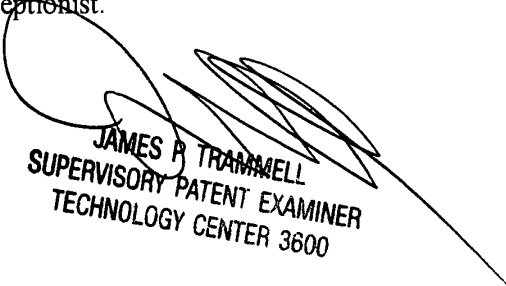
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Arlington, V.A., Seventh floor receptionist.

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February 13, 2004

  
**JAMES P. TRAMMELL  
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